

Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2403
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff
JO ANNE GRAFF

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JO ANNE GRAFF,

Plaintiff,

v.

LEADING EDGE RECOVERY
SOLUTIONS, LLC, an Illinois limited
liability company,

Defendant.

Case No. C07-03183-HRL

**DECLARATION OF COUNSEL IN
SUPPORT OF ENTRY OF DEFAULT
AGAINST DEFENDANT, LEADING
EDGE RECOVERY SOLUTIONS,
LLC**

[Fed. R. Civ. P. 55(a)]

FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney and counselor at law, duly admitted to practice before this Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I have personal knowledge of the matters stated in this declaration.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant, LEADING EDGE RECOVERY SOLUTIONS, LLC, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application do show that:

a. The Defendant was personally served, through its agent for service of process, with copies of Plaintiff's Summons and Complaint as provided by Rule 4(c)(1), Federal Rules of Civil Procedure;

b. Upon Plaintiff's information and belief, Defendant, being an Illinois

1 limited liability company with its principal place of business in
2 Chicago, Illinois, is neither an infant nor an incompetent person
3 requiring special service in accordance with Rule 4(g), Federal Rules
4 of Civil Procedure, and is not serving with the armed forces of the
5 United States entitled to the protection of 50 U.S.C. App. Section
6 520;

7 c. The Defendant has neither answered nor otherwise responded
8 formally to Plaintiffs's Summons and Complaint, and the time to do
9 so, as provided in Rule 12(a), Federal Rules of Civil Procedure, has
10 expired;

11 d. Copies of this Declaration and the Request for Entry of Default,
12 seeking entry of default, which are being filed herewith, have this
13 date been served upon Defendant by first-class mail, postage prepaid.

14 Executed on July 27, 2007, at San Jose, California.

15 /s/ Fred W. Schwinn
16 Fred W. Schwinn, Esq.
17 Attorney for Plaintiff
18 JO ANNE GRAFF
19
20
21
22
23
24
25
26
27
28